MEETING OF THE STATES PARTIES TO THE CONVENTION ON THE PROHIBITION OF THE USE, STOCKPILING, PRODUCTION AND TRANSFER OF ANTI-PERSONNEL MINES AND ON THEIR DESTRUCTION

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DRAFT RULES OF PROCEDURE

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CHAPTER I. PARTICIPATION IN THE MEETING OF THE STATES PARTIES

Participation in the Meeting of the States Parties

Rule 1

1. States Parties present at the Meeting of the States Parties will be participants. Other States may participate in the Meeting of the States Parties as observers.

2. Relevant international organizations or institutions and regional organizations may attend the Meeting of the States Parties as observers.

3. The United Nations Secretary-General, the UNHCR, UNDP, UNICEF, WHO, WFP, the International Committee of the Red Cross and the International Federation of the Red Cross and Red Crescent Societies, the Sovereign Order of Malta, and the International Campaign to Ban Landmines may attend the Meeting of the States Parties as observers.

4. Others that have received an invitation from the Government of the Host Country may attend the Meeting of the States Parties as observers.

CHAPTER II. REPRESENTATION AND CREDENTIALS

Composition of delegations

Rule 2

Each delegation participating in the Meeting of the States Parties shall consist of a head of delegation and such other accredited representatives, alternate representatives and advisers as may be required.

Alternates and advisers

Rule 3

An alternate representative or an adviser may act as a representative upon designation by the head of delegation.

Submission of credentials

Rule 4

The credentials of representatives and the names of alternate representatives and advisers issued by the Head of State or Government or by the Minister of Foreign Affairs or by a person authorized by one of the above that at the opening of the Meeting of the States Parties have not been submitted to the United Nations Under-Secretary-General for Disarmament Affairs shall be submitted to the Secretary-General of the Meeting of the States Parties if possible not later than 24 hours after the opening of the Meeting of the States Parties. Any later change in the composition of delegations shall also be submitted to the Secretary-General.

Credentials Committee

Rule 5

If an objection is raised against the participation of a delegation, a Credentials Committee shall be appointed at the beginning of the Meeting of the States Parties. It shall consist of five members, who shall be appointed by the Meeting of the States Parties on the proposal of the President. It shall examine the credentials of representatives whose participation has been subject to an objection and report to the Meeting of the States Parties without delay.

Provisional participation in the Meeting of the States Parties

Rule 6

Pending a decision of the Meeting of the States Parties upon their credentials, representatives whose participation has been subject to an objection shall be entitled to participate provisionally, yet with full rights, in the Meeting of the States Parties.

CHAPTER III. OFFICERS

Elections

Rule 7

The Meeting of the States Parties shall elect a President and 4 Vice-Presidents. The Meeting of the States Parties may also elect such other officers as it deems necessary for the performance of its functions.

General powers of the President

Rule 8

1. In addition to exercising the powers conferred upon him or her elsewhere by these rules, the President shall preside at the plenary meetings of the Meeting of the States Parties, declare the opening and closing of each meeting, direct the discussion, ensure observance of these rules, accord the right to speak, put questions to the vote and announce decisions. The President shall rule on points of order and, subject to these rules, have complete control of the proceedings and over the maintenance of order. The President may propose to the Meeting of the States Parties the closure of the list of speakers, a limitation on the time to be allowed to speakers and on the number of times each representative may speak on a question, the adjournment or the closure of the debate and the suspension or the adjournment of a meeting.

2. The President, in the exercise of his or her functions, remains under the authority of the Meeting of the States Parties.

Acting President

Rule 9

1. If the President finds it necessary to be absent from a meeting or any part thereof, he or she shall designate a Vice-President to take his or her place.

2. A Vice-President acting as President shall have the powers and duties of the President.

Replacement of the President

Rule 10

If the President is unable to perform his or her functions, a new President shall be elected.

The President shall not vote

Rule 11

The President, or a Vice-President acting as President, shall not vote in the Meeting of the States Parties, but shall designate another member of his delegation to vote in his or her place.

CHAPTER IV. SECRETARIAT OF THE MEETING OF THE STATES PARTIES

Duties of the Secretary-General and of the Secretariat

Rule 12

1. The Secretary-General, designated by the Government of the Host Country, shall act in that capacity in all meetings. He or she may designate another member of the Secretariat to replace him or her in case of absence.

2. The Secretary-General shall provide and direct the staff required by the Meeting of the States Parties and its committees. The Secretariat shall make all arrangements relating to meetings and, generally, perform all other work which the Meeting of the States Parties may require.

3. The Government of the Host Country may request the Secretary-General of the United Nations to appoint an official to act as Executive Secretary of the Meeting of States Parties.

CHAPTER V. DECISION-MAKING

Promotion of general agreement

Rule 13

The Meeting of the States Parties shall make every effort to reach general agreement on matters of substance.

Voting rights

Rule 14

Each State Party participating at the Meeting of the States Parties shall have one vote.

Quorum

Rule 15

The presence of representatives of 30 of the participating States Parties shall be required for any decision to be taken.

Majority required

Rule 16

1. Decisions of the Meeting of the States Parties on all matters of substance shall be taken by a two-thirds majority of the representatives of States Parties present and voting.

2. Decisions of the Meeting of the States Parties on matters of procedure shall be taken by a majority of the representatives of States Parties present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the President of the Meeting of the States Parties shall rule on the question. An appeal against this ruling shall be put to the vote immediately and the President's ruling shall stand unless overruled by a majority of the representatives of States Parties present and voting.

Special procedures

Rule 17

Decisions concerning destruction of anti-personnel mines in mined areas in accordance with Article 5 of the Convention and facilitation and clarification of compliance in accordance with Article 8 of the Convention shall be made according to the provisions of those Articles.

Meaning of the expression "representatives of States Parties present and voting"

Rule 18

For the purpose of these rules, the phrase "representatives of States Parties present and voting" means representatives of States Parties present and casting an affirmative or negative vote. Representatives who abstain from voting shall be considered as not voting.

Method of voting

Rule 19

The Meeting of the States Parties shall normally vote by show of hands or by standing, but any representative may request a roll-call. The roll-call shall be taken in the English alphabetical order of the names of the States participating in the Meeting of the States Parties, beginning with the delegation whose name is drawn by lot by the President.

Conduct during voting

Rule 20

The President shall announce the commencement of voting, after which no representative shall be permitted to intervene until the result of the vote has been announced, except on a point of order in connection with the process of voting.

Explanation of vote

Rule 21

The President may permit representatives to explain their votes. The President may limit the time to be allowed for such explanations.

Elections

Rule 22

All elections shall be held by secret ballot unless, in the absence of any objection, the Meeting of the States Parties decides to proceed without taking a vote on an agreed candidate.

Rule 23

1. If, when one person or one delegation is to be elected, no candidate obtains in the first ballot a majority of the representatives present and voting, a second ballot restricted to the two candidates obtaining the largest number of votes shall be taken. If in the second ballot the votes are equally divided, the President shall decide between the candidates by drawing lots.

2. In the case of a tie in the first ballot among three or more candidates obtaining the largest number of votes, a second ballot shall be held. If a tie results among more than two candidates, the number shall be reduced to two by lot and the balloting, restricted to them, shall continue in accordance with the preceding paragraph.

Rule 24

When two or more elective places are to be filled at one time under the same conditions, those candidates, not exceeding the number of such places, obtaining in the first ballot a majority of the representatives present and voting shall be elected. If the number of candidates obtaining such majority is less than the number of persons or delegations to be elected, there shall be additional ballots to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot, to a number not more than twice the places remaining to be filled; provided that, after the third inconclusive ballot, votes may be cast for any eligible person or delegation. If three such

unrestricted ballots are inconclusive, the next three ballots shall be restricted to the candidates who obtained the greatest number of votes in the third of the unrestricted ballots, to a number not more than twice the places remaining to be filled, and the following three ballots thereafter shall be unrestricted, and so on until all the places have been filled.

Equally divided votes

Rule 25

If a vote is equally divided on matters other than elections, the proposal, amendment or motion shall be regarded as rejected.

General rights of observers

Rule 26

Observers:

(a) May not participate in decision-making;

(b) May not make any procedural motion or request, raise points of order or appeal against a ruling of the President.

CHAPTER VI. CONDUCT OF BUSINESS

Speeches

Rule 27

No one may address the Meeting of the States Parties without having previously obtained the permission of the President. Subject to rules 28, and 31 to 33, the President shall call upon speakers in the order in which they signify their desire to speak. The Secretariat shall be in charge of drawing up a list of such speakers. The President may call a speaker to order if his remarks are not relevant to the subject under discussion.

Points of order

Rule 28

During the discussion of any matter, a representative may at any time raise a point of order, which shall be decided immediately by the President in accordance with these rules. A representative may appeal against the ruling of the President. The appeal shall be put to the vote immediately, and the President's ruling shall stand unless overruled by a majority of the

representatives present and voting. A representative may not, in raising a point of order, speak on the substance of the matter under discussion.

Closing of list of speakers

Rule 29

During the course of a debate the President may announce the list of speakers and, with the consent of the Meeting of the States Parties, declare the list closed.

Right of reply

Rule 30

The right of reply may be accorded by the President to any representative if a speech delivered after the list of speakers has been closed makes this desirable.

Adjournment of debate

Rule 31

During the discussion of any matter, a representative may move the adjournment of the debate on the question under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Closure of debate

Rule 32

A representative may at any time move the closure of the debate on the question under discussion, whether or not any other representative has signified his wish to speak. Permission to speak on the closure of the debate shall be accorded only to two speakers opposing the closure, after which the motion shall be immediately put to the vote. The President may limit the time to be allowed to speakers under this rule.

Suspension or adjournment of the meeting

Rule 33

During the discussion of any matter, a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote.

Order of motions

Rule 34

Subject to rule 28, the motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion;

(d) To close the debate on the question under discussion.

Competence of the Meeting of the States Parties

Rule 35

The Meeting of the States Parties may address any matter with regard to the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction such as:

- requests for extension of the deadline for completing destruction of anti-personnel mines in accordance with Article 5 of the Convention;

- matters related to international cooperation and assistance, as set out in Article 6 of the Convention;

- matters related to the reports submitted under the provisions of Article 7 of the Convention;

- matters related to facilitation and clarification of compliance in accordance with Article 8 of the Convention;

- settlement of disputes in accordance with Article 10 of the Convention;

- matters related to the operation of the Convention, as set out in Article 11 of the Convention;

- matters related to the development of technologies to clear anti-personnel mines, as set out in Article 11 of the Convention;

- any other matter the Meeting of the States Parties decides to address.

Decisions on competence

Rule 36

Subject to rule 28, any motion calling for a decision on the competence of the Meeting of the States Parties to discuss any matter or to adopt a proposal or an amendment submitted to it shall be put to the vote before the matter is discussed or a vote is taken on the proposal or amendment in question.

CHAPTER VII. SUBORDINATE BODIES

Subordinate bodies

Rule 37

The Meeting of the States Parties may establish committees, working groups or other subordinate bodies as appropriate.

CHAPTER VIII. LANGUAGES AND RECORDS

Languages of the Meeting of the States Parties

Rule 38

Arabic, Chinese, English, French, Russian and Spanish shall be the languages of the Meeting of the States Parties.

Interpretation

Rule 39

1. Speeches made in a language of the Meeting of the States Parties shall be interpreted into the other such languages in the plenary sessions.

2. A representative may speak in a language other than a language of the Meeting of the States Parties if the delegation concerned provides for interpretation into a language of the Meeting of the States Parties.

CHAPTER IX. PUBLIC AND PRIVATE MEETINGS

Plenary meetings and meetings of committees

Rule 40

The plenary meetings of the Meeting of the States Parties shall be held in public unless the Meeting decides otherwise.

CHAPTER X. AMENDMENTS TO THE RULES OF PROCEDURE

Method of amendment

Rule 41

These rules of procedure may be amended by a decision of the Meeting of the States Parties taken by a two-thirds majority of the representatives present and voting.